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SENSITIVE

DEPARTMENT FOR G/DRL/IRF (NANCY HEWETT)

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SUBJECT: SPAIN UNVEILS COMPREHENSIVE HUMAN RIGHTS PLAN

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¶1. (U) SUMMARY. In conjunction with the 60th Anniversary of the UN's Universal Declaration of Human Rights, Spanish Vice President Maria Teresa Fernandez de la Vega unveiled Spain's National Human Rights Plan (the plan) December 15 in New York. The plan, approved by Spain's Council of Ministers December 12, is the GOS answer to the 2002 UN call for "National Human Rights Plans" and an instrument to coordinate and evaluate the diverse actions being planned or implemented by different GOS actors in promotion of human rights domestically and abroad. The plan encompasses issues such as promotion of human rights on the international stage, combating trafficking in persons, and promotion of equality with respect to religion, age, gender, race and ethnicity.  
END SUMMARY.

¶2. (U) Eight ministries participated in the drafting, which began in 2007, with assistance from NGOs and human rights experts. The plan consists of 172 measures, divided into a Foreign Action Plan and Domestic Action Plan. The Foreign Action Plan aims to promote human rights on an international level, working through the UN, EU, Council of Europe, OSCE, bilateral and multilateral relations, as well as the International Criminal Court and other international organizations. Some of the commitments include fulfillment of UN Millennium Development Goals, ratification of various international conventions, a promise to fight against the death penalty and promote the prevention of torture, comprehensive protection of terrorism victims, promotion of the Alliance of Civilizations, implementation of the Integral Plan to Fight Trafficking in Persons (TIP Plan) during Spain's EU Presidency in 2010, active participation in the Review Conference of the Rome Statute, incorporation of said statute into the Spanish Penal Code, and active support for the International Criminal Court.

¶3. (U) The Domestic Action Plan proposes new non-discrimination legislation; a constitutional amendment to allow non-EU legal residents the right to vote in municipal elections; legislative changes to provide foreigners the rights of assembly, association, education, trade union membership and free legal assistance; commitments to combating gender violence, to include informational campaigns and the use of electronic devices to keep perpetrators away from their victims; defense of the rights of Spanish citizens abroad; extend detainees' legal guarantees, to include a reduction in the number of hours a detainee can be held in "incomunicado" status and the prohibition of incomunicado detention of minors; the establishment of human rights guarantees for migrants in holding centers; additional protection of refugees; and environmental protections for citizens.

¶4. (U) An important measure in the Domestic Plan is the call for reform of the Religious Freedom law which would grant all

"notorio arraigo" or religions with deeply-rooted status equal status under the law. This would correct the inequity that currently exists wherein Mormons, Jehovah's Witnesses and Buddhists, although designated as notorio arraigo, do not have the tax benefits enjoyed by the Catholic Church. The plan also calls for the creation of an observatory on religious pluralism; studies on public management of religious diversity at the local, autonomous and national levels; and training of public servants on religious freedom guarantees.

¶5. (U) A critical element in the Foreign Action Plan and the initial impetus for creation of the comprehensive plan is the Integral Plan to Fight Trafficking in Persons (TIP Plan). The TIP Plan includes 61 measures aimed at raising social awareness and implementing a zero tolerance policy against human trafficking-related crimes. Some of the specific changes called for in the TIP Plan include housing, medical and psychological assistance, free legal assistance, interpretation services and financial aid for victims of trafficking; pre-sentencing confiscation of traffickers' assets; creation of a fund with confiscated assets to assist victims; construction of shelters and creation of units to attend to trafficking victims; use of biometric identifiers in visas and residency permits to deter fraudulent travel; control mechanisms in ports, airports and other transportation centers to assist in identifying potential trafficking cases; informational and awareness campaigns; and the creation of an inter-ministerial coordinating group to implement the plan. The Zapatero administration allocated 44 million euros (approximately 63 millions USD) to finance the TIP Plan through 2012.

¶6. (SBU) COMMENT: The plan, described by the GOS as an "ongoing process," must still be approved by the Spanish

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Congress, likely to happen in 2009 as no parliamentary opposition is expected. Approval of the ambitious plan, however, is but one step in a long process. Most changes called for require legislative or constitutional action or amendment. Too, although monies have been budgeted for the TIP portion of the Plan (44 million euros), the GOS has not yet specifically budgeted for the other Foreign Action Plan items or the Domestic Action Plan. Given the current economic climate, this could prove challenging. Add to the challenge obtaining the buy-in of autonomous communities and city councils in the plan's implementation, considering the territorial distribution of jurisdictions under Spanish law. On the other hand, not only is the plan a personal priority for VP Fernandez de la Vega, the plan also aims to cement a seat for Spain on the 2010 UN Human Rights Council and prepare the GOS for Spain's EU Presidency in January 2010 wherein human rights issues will be a priority. It is thus an important priority for the Zapatero Administration, whose commitment is to make the protection of human rights a hallmark of Spain.

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